REMARKS

This responds to the Office Action mailed on August 29, 2007. Claims 1-16, and 21 are amended and claims 1-22 are now pending in this application. Support for the claim amendments may be found, *inter alia*, as set out below:

Amendments to claim 1 find support in the original application at ¶¶21, 29, 32-33.

Amendments to claim 2 find support in the original application at ¶¶21, 33.

Amendments to claim 3 find support in the original application at ¶21, 27.

Amendments to claim 4 find support in the original application at ¶¶21, 27.

Amendments to claim 5 find support in the original application at ¶¶21, 28.

Amendments to claim 6 find support in the original application ¶¶21, 31.

Amendments to claim 7 find support in the original application ¶¶21, 33.

Amendments to claim 8 find support in the original application ¶¶21, 33.

Amendments to claim 9 find support in the original application ¶¶21, 33.

Amendments to claim 10 find support in the original application ¶21.

Amendments to claim 11 find support in the original application ¶¶21.

Amendments to claim 12 find support in the original application ¶¶21, 32.

Amendments to claim 13 find support in the original application ¶¶21, 31.

Amendments to claim 14 find support in the original application ¶¶21, 29.

Amendments to claim 15 find support in the original application ¶¶21, 29.

Amendments to claim 16 find support in the original application ¶¶21, 37.

Amendments to claim 21 find support in the original application ¶¶21, 37.

Claim Objections

Claims 1, 3, 6 were objected to as containing certain informalities. With respect to claims 1, 3, and 6, Applicants have amended the claims to correct the informalities.

§102 Rejection of the Claims

Claims 1, 2, and 7, 9 were rejected under 35 U.S.C. § 102(e) for anticipation by Nagaoka et al. (U.S. Pat. No. 6,651,174). Applicants respectfully traverse and amends to clarify the claim

language. Nagaoka et al. discloses a "Firewall Port Switching" (Nagaoka et al., title.) system
that:

> comprises an authorized client terminal which is connected to a network, a server which
> is connected to the network, and <u>a firewall which is interposed between the server and the</u>
> <u>network</u>. The client terminal accesses the server by means of a publicly known protocol
> via a port having a publicly known port number in the firewall. In the case in which the
> accessing client terminal is authorized, the server downloads program for realizing
> effective dedicated protocols solely between the client terminal and itself to the client
> terminal via the port having the publicly known port number. Furthermore, the server
> access with the client terminal conducts data communication by executing the program
> and by means of the dedicated protocols, via the network and the port having the publicly
> known port number.

(emphasis added) (Nagaoka et al., abstract.) As emphasized above, Nagaoka et al. discloses a
"<u>firewall which is interposed between the server and the network.</u>" By contrast, amended claim
1 discloses "configuring a <u>proxy</u> server outside the first firewall." Further, the server alluded to
in Nagaoka et al. is a "WWW server" (see Col. 7, lines 1-20.), and not the proxy server of
amended claim 1.

As articulated above, Nagaoka et al. does not teach all the limitations of claim 1.
Accordingly, Applicants submit that claim 1 is allowable. As claim 2, and 7 dependent upon
claim 1, claims 2 and 7 are also allowable.

Claims 9, and 11 were rejected under 35 U.S.C. § 102(e) for anticipation by Nagaoka et
al. Applicants amend so as to clarify the claims. Nagaoka et al. discloses a "Firewall Port
Switching" (Nagaoka et al., title.) system that has <u>a firewall which is interposed between the</u>
<u>server and the network</u>. (Nagaoka et al., abstract.). By contrast, amended claim 9 discloses, in
part:

a proxy server, located outside the first fire wall, coupled to the public network, the first
control unit being configured with proxy server information, the proxy server being
configured with first control unit information, the first control unit being further
configured to send a first access key to the proxy server, the first control unit and the
proxy server configured to establish a communication session based on the first access
key, the proxy server to aggregate and store performance data provided by the first
control unit.

In contrast to Nagaoka et al., the proxy server is "located outside the first fire wall." Further, as
amended claim 9 provides, this proxy server may "aggregate and store performance data
provided by the first control unit."

As shown above, Nagaoka et al. does not teach all the limitations of claim 9.
Accordingly, Applicants submit that claim 9 is allowable. As claim 11 is dependent upon claim
9, claim 11 is also allowable.

Claim 12 was rejected under 35 U.S.C. § 102(e) for anticipation by Nagaoka et al.
Applicants amend so as to clarify the claims. Claim 12 depicts "a proxy server that includes at
least one of a client request handler, a shared request object pool, or a server request handler."
Nagaoka et al. is silent as to the proxy server having "at least one of a client request handler, a
shared request object pool, or a server request handler."

As articulated above, Nagaoka et al. does not teach all the limitations of claim 12.
Accordingly, Applicants submit that claim 12 is allowable.

Claims 16, 18, 19, and 21 were rejected under 35 U.S.C. § 102(b) for anticipation by
Crichton et al. (U.S. Pat. No. 6,104,716). Applicants amend. Crichton et al. describes:

A lightweight secure tunneling protocol or LSTP permits communicating across one or
more firewalls by using a middle server or proxy. Three proxies are used to establish an

end-to-end connection that navigates through the firewalls. In a typical configuration, a
server is behind a first firewall and a client behind a second firewall are interconnected
by an untrusted network (e.g., the Internet) between the firewalls. A first inside firewall
SOCKS-aware server-side end proxy connects to the server inside the first firewall. A
second inside firewall SOCKS-aware client-side end proxy is connected to by the client
inside the second firewall. Both server-side and client-side end proxies can address a
third proxy (called a middle proxy) outside the two firewalls. The middle proxy is usually
started first, as the other two end proxies (server and client) will initiate the connection to
the middle proxy some time after they are started. Since the middle proxy is mutually
addressable by both inside proxies, a complete end-to-end connection between the server
and client is established. It is the use of one or more middle proxies together with the
LSTP that establishes the secure communications link or tunnel across multiple firewalls.

(Crichton et al., abstract) In contrast, amended claim 16 recites:

        a first console configured to generate at least one console request message, the console
request message including at least one of a request for network management data, a request for
Internet Protocol (IP)-Private Branch Exchange (PBX), or a request for status information;
        a proxy server coupled to the first console, the proxy server configured to pool the at least
one request, and to provide access from at least one console to the first control unit;

Crichton et al. is silent as to a "console request message," but rather discloses a "Method and
apparatus for lightweight secure communication tunneling over the internet." (Crichton et al.,
title.)

        As articulated above, Crichton et al. does not teach all the limitations of claim 16.
Accordingly, Applicants submit that claim 16 is allowable. As claims 18, and 19 are dependent
upon claim 16, claims 18 and 19 are also allowable.

Claim 21 was rejected under 35 U.S.C. § 102(b) for anticipation by Crichton et al. Applicants amend so as to clarify the claims. As cited above, Crichton et al. depicts a "Method and apparatus for lightweight secure communication tunneling over the internet" (Crichton et al., title.). In contrast to Crichton et al., amended claim 21 recites the following limitation:

> receiving a <u>console</u> request <u>message</u> from a console, <u>the console</u> request <u>message</u>
> <u>including at least one of a request for network management data, a request for Internet</u>
> <u>Protocol (IP)-Private Branch Exchange (PBX), or a request for status information;</u>

Crichton et al. is again silent as to "console request message."

In view of the above, Applicants thus respectfully request that the Examiner withdraw these rejections, and issue a notice of allowance at her earliest convenience.

§103 Rejection of the Claims

Claims 3-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagaoka et al. in view of Brownell (U.S. Pat. No. 6,754,831). Applicants respectfully traverse. Claim 3 discloses in its preamble "configuring the first control unit." In contrast, Brownell discloses, *inter alia*, "At step 430, tunnel configuration data is generated. <u>Tunnel configuration data</u> <u>describes the tunnels through which connections may be established for a particular user.</u>" (emphasis added) (See Col. 11, line 30-33.) The configuration described in the preamble for claim 3 is distinct from the configuration occurring in the portion of Brownell cited by the Examiner.

As articulated above, neither Nagaoka et al. nor Brownell teaches all the limitations of claim 3. Accordingly, Applicants submit that claim 3 is allowable. As claims 4-6 are dependent upon claim 3, claims 4-6 are also allowable.

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagaoka et al. in view of Brownell. Applicants amend so as to clarify the claims. Claim 7, upon which claim 8

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as amended depends, depicts "establishing a session between the first control unit and the proxy server includes coupling through a second firewall, the <u>proxy server being inside the second firewall</u>." Further, amended claim 8 discloses "connecting between the proxy server and a console, the <u>console being inside the second firewall</u>, the connecting using an IP address facing inside the second firewall." The Examiner cited portion of Brownell (e.g., Col. 4, lines 30-55. Fig. 1.) is silent as to the case of the proxy server and the console being inside a firewall.

As articulated above, neither Nagaoka et al. nor Brownell teaches all the limitations of claim 8. Accordingly, Applicants submit that claim 8 is allowable.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagaoka et al. in view of Brownell. Applicants amend so as to clarify the claims. Amended claim 9, upon which claim 10, depends discloses:

> a <u>proxy</u> server<u>, located outside the first fire wall,</u> coupled to the public network, the first control unit being configured with <u>proxy</u> server information, the <u>proxy</u> server being configured with first control unit information, the first control unit being further configured to send a first access key to the <u>proxy</u> server, the first control unit and the <u>proxy</u> server configured to establish a communication session based on the first access key<u>, the proxy server to aggregate and store performance data provided by the first control unit</u>.

Both Nagaoka et al. and Brownell are silent as to "the proxy server to aggregate and store performance data provided by the first control unit."

As articulated above, neither Nagaoka et al. nor Brownell teaches all the limitations of claim 9. Accordingly, Applicants submit that claim 9 is allowable. As claim 10 depends upon claim 9, claim 10 is also allowable.

Claims 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagaoka et al. in view of Brownell. Applicants amend so as to clarify the claims. Claim 12 upon which claims 13-15 depend, as amended depicts "a proxy server that includes at least one of a client request handler, a shared request object pool, or a server request handler." Both Nagaoka et al. and Brownell are silent as to the proxy server having "at least one of a client request handler, a shared request object pool, or a server request handler."

As articulated above, neither Nagaoka et al. nor Brownell teaches all the limitations of claim 12. Accordingly, Applicants submit that claim 12 is allowable. As claims 13-15 depend upon claim 12, claims 13-15 are allowable.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagaoka et al. in view of Crichton et al. Applicants amend. Amended claim 16, upon which claim 17 depends, depicts:

> a first console configured to generate at least one console request message, the console request message including at least one of a request for network management data, a request for Internet Protocol (IP)-Private Branch Exchange (PBX), or a request for status information;

Nagaoka et al. and Crichton et al. are silent as to the use of a "console request message."

As articulated above, neither Nagaoka et al. nor Brownell teaches all the limitations of claim 16. Accordingly, Applicants submit that claim 16 is allowable. As claim 17 depends upon claim 16, claim 17 is allowable.

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Crichton et al. in view of Nelson (U.S. Pat. No. 6,553,422). Applicants amend so as to clarify the claims. Amended claim 16, upon which claim 20 depends, depicts:

a first console configured to generate at least one console request message, the console request message including at least one of a request for network management data, a request for Internet Protocol (IP)-Private Branch Exchange (PBX), or a request for status information;

Crichton et al. and Nelson are silent as to the use of a "console request message."

As articulated above, neither Crichton et al., nor Nelson teaches all the limitations of claim 16. Accordingly, Applicants submit that claim 16 is allowable. As claim 20 depends upon claim 16, claim 20 is allowable.

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Crichton et al. in view of Nelson. Applicants amend so as to clarify the claims. Amended claim 21, upon which claim 22 depends, depicts:

receiving a console request message from a console, the console request message including at least one of a request for network management data, a request for Internet Protocol (IP)-Private Branch Exchange (PBX), or a request for status information;

Crichton et al. and Nelson are silent as to the use of console request messages.

As articulated above, neither Crichton et al., nor Nelson teaches all the limitations of claim 21. Accordingly, Applicants submit that claim 21 is allowable. As claim 22 depends upon claim 21, claim 22 is allowable.

In view of the above, Applicants thus respectfully request that the Examiner withdraw these rejections, and issue a notice of allowance at her earliest convenience.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4057 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date ___November 29, 2007___   By _____
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of November 2007.

JONATHAN FERGUSON

Name   Signature